

Before the
Federal Communications Commission
Washington, DC 20054

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Atwood, Kansas; McCook, NB;)
Burlington and Flagler, CO))

Docket No. 05-45
RM-11147

Filed With: **Office of the Secretary**

To: **Assistant Chief, Audio Division**
Media Bureau

COMMENTS

Border Alliance of Broadcasters ("Border"), by its attorney, submits its support of this proposal, and states that it will apply for this allotment if this proposal is adopted, and if authorized, will promptly construct this facility.

The Commission also has asked for a presentation of public interest benefits in support of the site restriction resulting from the substitution Channel 292C2 for Channel 280C2.

Contrary to the commonly applied principle that all site restrictions are bad, the public interest is actually well served by allowing site restriction of stations in many cases. The channel substitution at McCook (required to facilitate the allotment of 280C0 at Atwood, Kansas) is an excellent example that illustrates why this is true.

In most cases, the absence of a site restriction makes construction of the station's tower and other facilities easier. Usually the "area to locate" is closer to the population center and the licensee suffers less inconvenience traveling to the tower site for routine maintenance or repairs. However, although locating the tower closer to the community generally yields signal levels that

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substantially exceed the requirements for city coverage under 47 C.F.R §73.315 and provides a competitive signal advantage for the station within the community, the station nevertheless as a result provides lesser-grade service to outlying areas. Additionally, while locating at a central location make it often possible for a licensee to build only minimal facilities for the assigned class (thus saving construction expense while still meeting the minimum community coverage requirements), again, the station as a result less *overall* service. All of these results accrue to the benefit of licensees, but not the listening public, since it results is less overall service area served by the station.

In the case of McCook, there are already four operating FM services. Two stations have identical sites¹ and hypothetical coverage areas. In rural areas, although this serves the convenience of the licensees (since a single tower can house both facilities with an attendant reduction in cost), this service is arguably redundant in nature.

Site restrictions, however, have the benefit of curbing that service redundancy. The benefits gained by the existence of a site restriction can be seen when analyzing the vacant allotment of Channel 271C1 at McCook,² the contour for which is shown in Figure 1. Owing to the required distance separation to Station KKQY-FM (Channel 270C1 Hill City, Kansas), and Station KRNY-FM (Channel 272C1 Kearney, Nebraska), the Channel 271C1 McCook allotment is required to be located some 16 or 17 kilometers west of the nearest location within the boundaries of McCook. The result is that the hypothetical coverage of 271C1 at McCook brings McCook-focused information and issues to areas and population *not otherwise served by another*

¹ Station KICX-FM holds a CP for C1 facilities at the identical site as Station KRKU-FM, Channel 253C1.

² Station 271C1 is at reference site 40-12-00 N, 100-51-25 W.

FM station licensed to McCook. None of the other McCook FM allotments enjoys coverage to the west that is as extensive as that which will be provided by the Channel 271C1 allotment -- the next nearest McCook contour is Station KIOD-FM which trails off several kilometers further to the east. Citizens of McCook remain well served in any event (by the requisite city-grade signal), but the rural listeners to the west enjoy a McCook-licensed station choice they would otherwise not have. When the McCook Channel 271C1 allotment is eventually built, the licensee will be compelled by 47 C.F.R. §73.315 to build a substantial, possibly maximized, facility. The required taller tower and greater power will increase coverage in all directions.

The proposed channel substitution and reference site change at McCook for Channel 280C2 results in an analogous benefit, creating a McCook allotment that will provide superior service to the east and south of McCook. Although a licensee's voluntary acquisition of Channel 292C2 requires construction from a site further from the community center, the public overall will be benefited by receiving service from maximized facilities that will come as a result of the site restriction. In fact, no other McCook facility provides hypothetical coverage to the area ("New McCook Service Area") highlighted on the map.

Site restrictions, particularly in rural areas, tend to serve the public interest by distributing the required transmission facilities beyond simply the boundaries of the central community, thereby bringing service from the central city to outlying residents. Site restrictions also compel the construction of maximum facilities, further extending service. Greater diversity of listener choice is the natural result.

Site restrictions, in many cases, allow additional listeners to be served by stations allotted to a given community in a manner genuinely consistent with the public interest. Where

communities are already well served, the creation of allotments requiring site restrictions not only should be permitted, they should be encouraged by the FCC.

In this case, the site restriction does no damage to the public interest. Moreover, the site restriction not only is to a allotment for a community that is well-served by many allotments with *no* site restrictions, the site restriction in this instance will allow *new first service* to Atwood, Kansas, which is a large public benefit. In short, the minor inconvenience that will accrue to the ultimate owner to the eventual Channel 292C2 permittee by virtue of the site restriction will be outweighed and eclipsed by the opportunities for new first service that will be allotted to Atwood.

Accordingly, Border respectfully requests that this Petition be adopted, that the Commission amend the FM Table of Allotments to specify the new channel at Atwood, Kansas.

Respectfully submitted,

**BORDER ALLIANCE OF
BROADCASTERS**

By: 

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